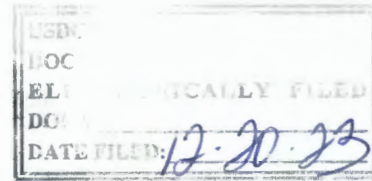


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

Plaintiff,

v.

THEODORE HUBER,

Defendant.

S1 17 Cr. 357 (LAK)

~~[PROPOSED]~~ ORDER TO RETURN CRIMINAL FINE,
SPECIAL ASSESSMENT, RESTITUTION, AND FORFEITURE

WHEREAS on September 14, 2018, the Court ordered Theodore Huber to forfeit \$87,078, which amount was subsequently paid by Mr. Huber to the United States Marshals Service;

WHEREAS on September 21, 2018, the Court ordered Mr. Huber to pay a special assessment of \$500; restitution to Centers for Medicare and Medicaid Services in the amount of \$1,644.26; and a criminal monetary penalty of \$1,250,000.00;

WHEREAS on October 30, 2018, a Satisfaction of Judgment was entered acknowledging Mr. Huber's payment of the special assessment, restitution, and criminal monetary penalty totaling \$1,252,144.26;

WHEREAS on December 30, 2019, the U.S. Court of Appeals for the Second Circuit affirmed the convictions of Mr. Huber. *United States v. Blaszczyk*, 947 F.3d 30 (2d Cir. 2019);

WHEREAS on September 4, 2020, Mr. Huber filed a petition for a writ of certiorari;

WHEREAS, the Supreme Court vacated the U.S. Court of Appeals for the Second Circuit's judgment and remanded the case for further consideration in light of *Kelly v. United States*, 140 S. Ct. 1565 (2020);

WHEREAS on remand to the U.S. Court of Appeals for the Second Circuit, the Government conceded error with respect to Counts One, Two, Three, Nine and Ten in light of *Kelly*;

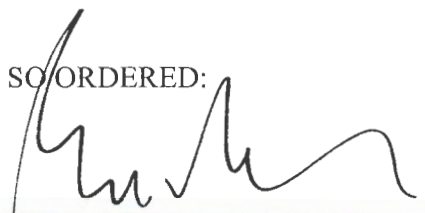
WHEREAS on December 27, 2022, the U.S. Court of Appeals for the Second Circuit issued a decision, *inter alia*, remanding Counts Two, Three, Nine, and Ten of the Indictment to the District Court to permit the Government to dismiss those counts of conviction, and remanding Count One of the Indictment to the District Court for a new trial. *United States v. Blaszcak*, 56 F.4th 230 (2d Cir. 2022);

WHEREAS on November 1, 2023, a *nolle prosequi* was entered as to Mr. Huber;

NOW, THEREFORE, IT IS HEREBY ORDERED, that the \$87,078 forfeiture amount be returned to Mr. Huber in accordance with the ACH return form submitted by him; and the payment of the special assessment, restitution, and criminal monetary penalty totaling \$1,252,144.26 be returned to Mr. Huber by Electronic Funds Transfer using the banking information on the Form AO 213P provided by him to the Finance/Cashier Department.

Dated: 12/26, 2023
New York, New York

IT IS SO ORDERED:


LEWIS A. KAPLAN
UNITED STATES DISTRICT JUDGE